

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-207276.2

DATE: November 15, 1982

MATTER OF: Medical Devices of Fall River, Inc.

DIGEST:

Protest against agency decision not to consider bid, because bid samples associated with bid were received after the time set for bid opening, is untimely when raised more than 10 days after the basis for protest was or should have been known.

Medical Devices of Fall River, Inc. (Medical Devices), protests the Defense Logistics Agency's (DLA) rejection of its bid under invitation for bids (IFB) No. DLA129-82-B-1607 issued by DLA's Defense Personnel Support Center, Philadelphia, Pennsylvania. DLA rejected the bid because bid samples associated with the bid were received after the time set for bid opening.

This protest is untimely because it was filed more than 10 working days after Medical Devices' receipt of a DLA letter advising Medical Devices of the rejection. Medical Devices received the DLA letter of September 29, 1982, on or before October 4, 1982, because on October 4, 1982, Medical Devices sent a TWX to DLA stating Medical Devices' intention to protest DLA's decision to our Office. Medical Devices' protest was filed at GAO on October 21, 1982. Under our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(2) (1982), Medical Devices had until October 19, 1982, to file the protest against the rejection of its bid. Pandalai Coatings Company, B-206132, April 12, 1982, 82-1 CPD 334.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel